

Senate File 307 - Introduced

SENATE FILE 307
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 106)

A BILL FOR

1 An Act relating to the examination and transportation of dead
2 bodies, including associated fees and costs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.802, subsection 1, Code 2021, is
2 amended to read as follows:

3 1. A person's death ~~which~~ that affects the public interest
4 as specified in subsection 3 shall be reported to the county
5 medical examiner or the state medical examiner by the physician
6 in attendance, any law enforcement officer having knowledge of
7 the death, the ~~embalmer~~ funeral director, or any other person
8 present. The appropriate medical examiner shall notify the
9 city or state law enforcement agency or sheriff and take charge
10 of the body.

11 Sec. 2. Section 331.802, subsection 2, paragraph a, Code
12 2021, is amended to read as follows:

13 a. If a person's death affects the public interest as
14 specified in subsection 3, the county medical examiner shall
15 conduct a preliminary investigation of the cause and manner
16 of death, prepare a written report of the findings, promptly
17 submit the full report to the state medical examiner on forms
18 prescribed for that purpose, and submit a copy of the report
19 to the county attorney.

20 Sec. 3. Section 331.802, subsection 4, Code 2021, is amended
21 to read as follows:

22 4. a. The county medical examiner shall conduct the
23 investigation in the manner required by the state medical
24 examiner and shall determine whether the public interest
25 requires an autopsy or other special investigation. However,
26 if the death occurred in the manner specified in subsection
27 3, paragraph "j", the county medical examiner shall order
28 an autopsy, claims for the payment of which shall be filed
29 with the state appeal board and, if authorized by the board,
30 shall be paid out of moneys in the general fund of the state
31 not otherwise appropriated. In determining the need for an
32 autopsy, the county medical examiner may consider the request
33 for an autopsy from a public official or private person, but
34 the state medical examiner or the county attorney of the county
35 where the death occurred may require an autopsy except as

1 provided in paragraph "b".

2 b. If after the county medical examiner's or state medical
3 examiner's investigation of a deceased child the medical
4 examiner determines that the deceased child's cause and manner
5 of death are obvious and there are no significant legal,
6 medical, or investigative concerns by the medical examiner,
7 social services, or law enforcement, an autopsy shall not be
8 required under paragraph "a".

9 c. The county medical examiner may refer a body for autopsy
10 or further investigation pursuant to paragraph "a" to any
11 facility accredited by the national association of medical
12 examiners. The county shall pay to the receiving facility a
13 fee equal to an autopsy fee established by the office of the
14 state medical examiner by rule.

15 Sec. 4. Section 331.804, Code 2021, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 3. The county shall reimburse the funeral
18 director for all costs associated with the transportation of
19 the body.

20 Sec. 5. Section 331.805, subsection 2, Code 2021, is amended
21 to read as follows:

22 2. It is unlawful to embalm a body when the ~~embalmer~~ funeral
23 director has reason to believe death occurred in a manner
24 specified in [section 331.802, subsection 3](#), when there is
25 evidence sufficient to arouse suspicion of crime in connection
26 with the cause of death of the deceased, or where it is the
27 duty of a medical examiner to view the body and investigate the
28 death of the deceased person, until the permission of a county
29 medical examiner has been obtained. When feasible, the body
30 shall be released to the funeral director for embalming within
31 twenty-four hours of death.

32 Sec. 6. IMPLEMENTATION OF ACT. Section 25B.2, subsection
33 3, shall not apply to this Act.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to the examination and transportation of
3 dead bodies. The bill requires a funeral director, as opposed
4 to an embalmer as currently required, to report to the county
5 or state medical examiner a person's death that affects the
6 public interest. The bill prohibits the embalming of a body
7 prior to receiving consent from the county medical examiner if
8 the funeral director, as opposed to an embalmer, has reason to
9 believe the death affects the public interest, when there is
10 sufficient evidence to arouse suspicion of a crime related to
11 the cause of death, or when the medical examiner has a duty to
12 view the body and investigate the death.

13 The bill states that an autopsy shall not be required when,
14 after the county or state medical examiner's investigation of
15 a deceased child, the medical examiner determines that the
16 deceased child's cause and manner of death are obvious and
17 there are no significant legal, medical, or investigative
18 concerns by the medical examiner, social services, or law
19 enforcement.

20 The bill allows a county medical examiner to refer a body for
21 an autopsy or further investigation to any facility accredited
22 by the national association of medical examiners. The bill
23 requires the county to pay to the receiving facility a fee
24 equal to an autopsy fee established by the officer of the
25 state medical examiner. The bill also requires a county to
26 reimburse a funeral director for all costs associated with the
27 transportation of a body after an investigation or autopsy has
28 been completed.

29 The bill may include a state mandate as defined in Code
30 section 25B.3. The bill makes inapplicable Code section 25B.2,
31 subsection 3, which would relieve a political subdivision from
32 complying with a state mandate if funding for the cost of
33 the state mandate is not provided or specified. Therefore,
34 political subdivisions are required to comply with any state
35 mandate included in the bill.